

ESTTA Tracking number: **ESTTA24133**

Filing date: **01/21/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<b>Proceeding</b>	91119510
<b>Party</b>	Plaintiff GUESS?, INC. ,
<b>Correspondence Address</b>	MICHAEL J MACDERMOTT CHRISTIE PARKER & HALE PO BOX 7068 PASADENA, CA 91109
<b>Submission</b>	Motion to Amend Pleading/Amended Pleading
<b>Filer's Name</b>	Michael J. MacDermott
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<b>Signature</b>	/Michael J. MacDermott/
<b>Date</b>	01/21/2005
<b>Attachments</b>	Motion to Amend Notice of Opposition.pdf ( 3 pages )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

GUESS?, INC.

Opposer,

v.

DIRK N. ROCKHOLD

Applicant.

Opposition No. 91119510

**OPPOSER'S MOTION UNDER RULE 15(a)  
OF THE FEDERAL RULES OF CIVIL  
PROCEDURE AND TMRP 2.107(a) FOR  
LEAVE TO AMEND THE NOTICE OF  
OPPOSITION**

Opposer Guess?, Inc. hereby moves the Honorable Board pursuant to Rule 15(a) of the Federal Rules of Civil Procedure and Trademark Rule of Practice 2.107(a) for leave to amend the Notice of Opposition to allege as grounds therefor: (1) abandonment of the mark by the applicant and (2) the application is damaging to the opposer because it is in controvention of an agreement entered into between the parties on or about June 24, 2002.

The new grounds for the opposition are set forth in more detail in the accompanying Opposer's Motion for Summary Judgment and Declaration of Theresa McManus in support thereof.

Rule 15(a) of the Federal Rules of Civil Procedure provides that leave to amend a Complaint "shall be freely granted when justice so requires." The Honorable Board has recognized that "amendments to pleadings should be allowed with great liberality at any stage of the proceeding where necessary to bring about a furtherance of justice unless it is shown that entry of the amendment would violate settled law or be prejudicial to the rights of the parties." American Optical Corp. v. American Olean Tile Co., Inc., 168 USPQ 471, 473 (TTAB 1971).

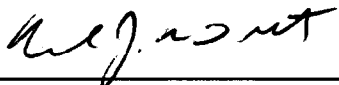
The proposed amendment to the Notice of Opposition will not violate settled law or be prejudicial to the rights of the applicant.

Submitted herewith is the proposed Amended Notice of Opposition. See paragraphs 16  
18 which contain the new allegations. We urge that the Motion for Leave to Amend be granted.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date January 21, 2005

By   
Michael J. MacDermott  
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MM/edb

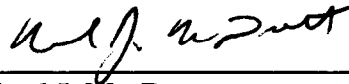
Enclosure: Amended Notice of Opposition

**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2005, the foregoing **OPPOSER'S MOTION UNDER RULE 15(a) OF THE FEDERAL RULES OF CIVIL PROCEDURE AND TMRP 2.107(a) FOR LEAVE TO AMEND THE NOTICE OF OPPOSITION** is being served by mailing a copy thereof by first-class mail addressed to:

John E. Cepican, Esq.  
STURM & FIX LLP  
101 West Second Street  
Suite 304  
Davenport, Iowa 52801-1813

By



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